

W5YI

National Volunteer Examiner Coordinator

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

Fred Maia, W5YI, Editor, P.O. Box 565101, Dallas, TX 75356-5101

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FCC ISSUES 17 METER HAM BAND NPRM

As we mentioned in our last newsletter, the FCC has started the ball rolling towards turning over the 17 meter band to the Amateur Radio Service. We now have the *Notice of Proposed Rulemaking* which was released on September 14, 1988.

The *Final Acts* of the 1979 *World Administrative Radio Conference* [1979 WARC] which comprise an international treaty, allocated 18.068-18.168 MHz, commonly referred to as the 17 meter band, to the Amateur and Amateur-Satellite Services. The band, however, remained an alternative allocation to the Government Fixed Service until users could be relocated and removed from the band. (Fixed service radiocommunications are between specific locations on specific frequencies.)

The U.S. Department of Commerce, *National Telecommunications and Information Service* (NTIA), acting upon advice from the *Interdepartment Radio Advisory Committee* (IRAC), has informed the FCC that U.S. Government fixed operations in the 17 meter band will preclude any Amateur Service usage of this band before July 1, 1989.

Normally a two-step process follows domestically after allocation of a frequency band internationally. The FCC has already taken the first step which is to declare 17 meters as an Amateur Services band in the [Part 2] *Table of Allocations*. To make this spectrum available to amateur stations by July 1, 1989, the FCC must now take the second step, which is to adopt rules in the Amateur Services for use of the spectrum. The recently issued NPRM

[PR Docket No. 88-467] does exactly that.

FCC PROPOSAL FOR 17 METER HAM USE

The Commission proposed to permit amateur station operation in the entire 17 meter band. Additionally the FCC proposed to create a separate 42 kHz telegraphy/digital emissions subband (18.068-18.110 MHz) similar to those in the other high frequency Amateur Service bands. "This proposal is consistent with a previous 17 meter petition for rule making filed by the *Amateur Radio Relay League* on July 2, 1986," the FCC said. "Although the petition was dismissed at that time because it was premature, the recommendations for use of the band in the Amateur Services are still valid."

"Additionally, the IARU (*International Amateur Radio Union*) regional organizations have each adopted resolutions recommending a telegraphy/digital emissions subband in the 17 meter band. The subband we propose is consistent with these recommendations. Implementation of such a subband would assure consistency and international harmony in the use of the 17 meter band. In the balance of the band, we propose to authorize telephony, facsimile and television emissions."

"We propose to make the 17 meter band available to *General, Advanced and Amateur Extra Class* operator licensees. This approach is consistent with our previous authorization of the 12 meter band (24.890-24.990 MHz) to the Amateur Service. We are preliminarily of the view that use of the 17

meter band requires the skill and knowledge of General operators and above."

"More than fifty nations already authorize use of this band and we propose to make the entire band available in the Amateur-Satellite Service. Moreover, we propose no power limitations in the band other than those which generally govern the Amateur Services (1,500 watts output P.E.P.) To minimize the potential for interference in this band, we therefore believe the minimum skills associated with the General Class operator license are required. We seek comment on the operator classes that should have access to this band."

Interested parties may file comments on or before October 31, 1988 and reply comments on or before November 30, 1988. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be sent to the *Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554*.

Section 97.61(a) would be amended by adding two line entries to the table between the 14000-14250 and 21000-21450 entries in the kilohertz portion of the table as follows:

Section 97.61 Authorized emissions.

(a) * * *

Frequency band (kHz)	Emissions
	* * * * *
18068-18110	A1A, F1B
18110-18168	A1A, A3E, F3E, G3E, A3C, F3C, A3F, F3F.

[Notice of Proposed Rulemaking, PR Docket 88-467.]

Amateur radio operators have been very busy during the past month. Hundreds of hams devoted thousands of hours aiding victims of the **Delta 1141 airliner crash** and **Hurricane Gilbert**. Dallas RACES amateurs were quickly on the scene at the mammoth Dallas/Fort Worth airport when disaster struck. A communications network was organized between the crash site and surrounding hospitals where dozens of airline passengers were transported by ambulance and helicopter.

Amateurs around the nation provided emergency assistance during Hurricane Gilbert which resulted in much good amateur radio PR. In many

cases, ham radio provided the only communications between storm victims and the outside world. Television stations everywhere showed local ham operators helping out. There are many, many stories of amateur involvement. Here is one from SIRA's Rafael Estevez, WB4ZZG, of Miami. SIRA is the Sociedad Internacional de Radio Aficionados, Inc., a Spanish language amateur radio emergency communications group.

GILBERT, THE UNWANTED VISITOR

by WB4ESB/SIRA

Hurricane Gilbert, the mightiest storm to hit the Western hemisphere in this century, caught meteorologists and some governments completely off guard. But not the amateur radio community!

Since Saturday, September 10, SIRA's emergency net had been tracking Gilbert's destructive forces a few miles south of Puerto Rico. Later, Gilbert threatened the Dominican Republic and Haiti. On Monday, Gilbert unleashed its fury against Jamaica, where billions of dollars in damage was reported, hundreds of injured people await care, the homeless still look for shelter and the death total is unknown.

Amateurs in Puerto Rico, Dominican Republic and Haiti were lucky to be on the air. But in Jamaica almost total chaos prevailed. Most amateurs were without electricity, antennas ...or even a roof! Just a fistful remain on the air. How? They don't even know. But the ones working are doing a gigantic task against all odds.

In Miami, the **WB4ESB SIRA NCS**, as usual, was operated by **WA4ZZG, KB4AW, WD4OZW, HK4BTV/W4, N4DAA, CX2DDS/W4, CX2RJ/W4, KA4CRQ, KC4EOJ, WB4LZR, WD4DTR, WB4RHT, YV1ALI/W4, KB4RQL** and **KA4APN**. **TG9MP, TG9NT** and **HI7AMB** also acted as relay stations.

14.155, 14.300, 7.165 and 3.765 MHz were used during seven consecutive days. All kinds of messages at all levels were handled. SIRA's emergency volunteer communications team was ready to fly to Jamaica or Mexico if it was requested.

When the Cayman Islands were threatened by Gilbert, SIRA recorded the last station that was on the air. "Fifteen foot waves and the sea is rising. Wind is over 45 miles per hour, heavy rains and visibility 1/4 of a mile..." ZF5CY said. Two hours

I am a currently licensed Extra Class amateur radio operator and wish to be a volunteer examiner. I have never had my station or operator license revoked or suspended. I do not own a significant amount of property and am not a member of any organization.

WOULD YOU LIKE TO BECOME A VOLUNTEER EXAMINER? If so, please send a copy of your resume and a recent photograph to: W5YI, P.O. Box 1000, Littleton, CO 80120. Your letter must be received by November 1, 1988. Please enclose your license number and class.

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before Gilbert's arrival, electricity and water were turned off to avoid fires and contamination.

Early Tuesday, **Douglas Jewett**, from the Dade County Emergency Team (sponsored by the U.S. State Department) called SIRA and requested information about taking a C-130, that was ready at the Homestead Air Force Base station, to Kingston. Both ATC towers, at Kingston and Montego Bay, were not in operation. So through other amateurs and **Glenn Baxter/K1MAN**, ceiling, wind speed, visibility and other related information was gathered, and the plane left on time with water, supplies, vaccines and an evaluation team. A Univision TV crew was carefully filming all the events and was a silent witness of the amateur's skill, communication and discipline.

All the Spanish radio and TV stations called and went by the WB4ESB/SIRA headquarters. Later the rest of the English channels joined the media entourage and made several live transmissions. Tuesday, Wednesday and Thursday were just a repetition. Friday around 7:45 p.m., was the Weather Channel's turn.

The calls from NBC and other networks were hourly. Calls from families and friends of people in Jamaica and the Cayman Islands totaled more than two hundred in less than two hours!

In the meantime Gilbert, reorganized to top low pressure records in the Atlantic; 26.13 inches. The only lower pressure ever measured anywhere on earth, 25.69 inches, was recorded on October 12, 1979, in the eye of Typhoon Tip as it roared across the Pacific Ocean between Luzon in the Philippines and the island of Iwo Jima in the western Pacific.

Gilbert, the unwanted visitor, was creating alarming surges and torrential rains in the southern coast of Cuba, while building steam for its next victim, the tourist resort of Cancun and Cozumel in Mexico. More than 50,000 persons were evacuated in Cuba to higher lands, schools were closed for the rest of the week and the whole island was in a state of alert.

Cuban Civil Defense was very active and many CO and CMs were heard on 14, 7 and 3.7 megahertz. Several of them requested information from SIRA about Gilbert's latest position and details. While the Jamaica and Cayman Island amateurs

scrambled for help and equipment after Gilbert's path of destruction, Juan Berndes, XE3AFF ex-CO2JK and former air traffic controller, kept daily skeds with SIRA's WB4ESB from his wife's hometown, Merida, in Yucatan.

On Wednesday, September 14th, at about 10:15 AM EST, XE3AFF and I, had a six minute conversation detailing 45 knot winds, the rain, the 24 feet tidal waves and the evacuation of thousands of tourists to hundreds of shelters. Juan was suddenly cut off by Gilbert's fierce, category five, 175 MPH winds which now were approaching according to Mexican radio.

There were five amateurs in Cozumel. Only one remained on the air with a heavy duty car battery. Their antennas and towers were blown off by Gilbert's fury. A parabolic dish was seen flying two blocks away with its heliax cable dangling. Hotels were damaged, and a Cuban shrimp boat got loose, was beached and slammed into the Hotel Las Perlas.

According to XE3AFF, there are more than 500 telephone poles downed. Half of Merida was without electricity and there was no radio or commercial telephone communications with Cozumel, Cancun or Islas Mujeres. Just one lonely amateur radio operator was the only link to these islands. On every highway, there is a grounded tree or a pole blocking the road every 25 feet. Planes were tossed around like toys and microwave towers were bent like twigs.

On Friday night, September 16, the **LMRE** [*Liga Mexicana of Radio Experimentadores*] was trying to organize two different nets on 14.139 and 14.129 MHz to coordinate efforts and help persons waiting to be airlifted from the disaster area. Only eight persons were officially known to be dead. Five were fishermen who drowned when their boat was capsized by massive waves and the other three were natives who were surprised by quickly rising water in their flimsily constructed homes. [*Editor's note: Now dozens of more deaths have been attributed to the storm.*]

The **Hurricane Watch Net** did a superb job on 14.324. Also different Jamaican nets were heard on 14.164, 14.265, 14.175 directed by K1MAN, and also on 14.283 MHz. **Tony Paladino, W5ORS**, was also on several frequencies helping with phone patches to/from the devastated areas and

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dealing with Salvation Army stations.

During seven consecutive days, Gilbert terrorized the Caribbean. One day for each letter of its name. Gilbert's wake will be recorded in history as one of devastation, death and amateur radio courage. As in Mexico and in El Salvador, modern technology was challenged by nature. But the amateur radio fraternity came to the rescue, scoring with a solid record of solidarity and a humanitarian hand.

It is a terrible story, and a sad part will be that the same news media that gathered information about Gilbert's affects through amateur radio, will be the first ones to forget the amateur radio operators and their role until the next emergency.

As Hurrican Gilbert left a legacy of human misery in the Caribbean, a relief agency already reeling from a record number of disasters around the globe worried that food and money might run out. "It's the highest number of disasters we've had to deal with in any one year," said Oliver Davidson, operations director for the U.S. Office of Foreign Disasters, who was in touch with SIRA.

Mother Nature has depleted the U.S. Agency's \$25 million budget with 54 disasters this year. The annual average is 40, ...and 1988 is not over yet," Davidson noted.

Gilbert's deadly journey ended in the Sierra Madre Mountains in east Central Mexico after 2,400 miles of savage destruction, unleashing tornados and rains. But amateur radio operators will still be working providing communications for many weeks.

Unfortunately Gilbert was a double calamity because not only did people lose their homes, but the storm hit when crucial crops were in the fields. [de WB4ESB/SIRA, P.O. Box 524071, Miami, FL 33152 Tel. 305-822-1688]

AMATEUR TELECONFERENCE RADIO NET!

Sunday evening, October 2nd, is the day to be by your ham radio for the "Save 220 and all of our Ham Bands" Teleconference Radio Network (TRN). A Teleconference Radio Network allows VHF/UHF repeaters (and any amateur media that can rebroadcast) to all be linked together to a single presentation in much the same fashion as commercial broadcast radio networks. Repeater owners/trustees across the nation simply telephone

a central location and their repeater is plugged (phone patched) into the programming. A teleconferencing bridge lashes them all together.

According to the planner and co-host, **Art Reis/K9XI**, of 220 Notes magazine in Chicago, the list of experts on his panel already includes co-host **Joe Shroeder/W9JUV**, of Ham Radio Magazine; ARRL Counsel **Christopher D. Imlay/N3AKD**, noted weak signal authority **Roger Cox/WB0DGF**, **Mark Gilmore/WB6RHQ**, hub manager for the Condor Connection (an inter-tied 220-MHz repeater network covering California and Nevada), 220 MHz Spectrum Management Association president **Karl Pagel/N6BVU**, **Rusty Landis/KA0HPK** of the Indiana based VHF/UHF Information Exchange, plus a series of experts representing E-M-E and packet radio interests. We also understand that one of the League directors will make a presentation.

The net will air live from 8:00 pm to 10:00 pm Eastern (7-9 Central, 6-7 Mountain and 5-6 in the Pacific Time Zone.) Interconnect will be via the 80 port Darome Connection teleconference bridge in Minneapolis, MN, with Lou Appel/K0IUQ at the controls. Back up distribution will be over the AMSAT OSCAR 13 satellite if it is within radio range. Repeaters and bulletin stations interested in securing a port on the teleconference bridge should contact the Westlink Radio Network, **Bill Paster-nak/WA6ITF** (28197 Robin Avenue, Saugus, CA 91350 Tel: 805-296-7180)

• **New Products:** ICOM's new 25-watt **IC-448 440-MHz mobile** transceiver will be available in October. Compact [5"X2"X5"] with all the "bells and whistles! Pricing not announced yet. ICOM also introduced their [List: \$529.00] **IC-12GAT 1.2 GHz handheld** transceiver. MFJ debuted a new [\$239.95] 2-knob 3-KW **Roller Inductor Differential-T Antenna Tuner** covering 1.8 to 30 MHz.

• There are over 1,800 questions in the Amateur Radio Operator **license examination question pools**. We have had all questions pools (complete with multiple choices and answer identified) typeset and printed into 5 separate booklets - Novice, Technician, General, Advanced and (new) Extra Class. Cost is \$8.95 (postpaid) for the complete set of five booklets ...\$10.95 if you want them three hole punched in an attractive binder. All VEC's use the same pools. W5YI Marketing; P.O. Box 565101, Dallas, TX 75356. [Phone orders 10 am-2 pm Central & VISA/MasterCard accepted. (817)-461-6443]

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October 1, 1988

AUGUST VE PROGRAM STATISTICS

	<u>August</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
No. VEC's		*75	*59	*61

Testing Sessions

<u>VEC</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	
ARRL	39.6%	41.1%	37.9%	
W5YI	25.0	31.5	38.4	
DeVry	12.2	7.0	5.6	
CAVEC	6.9	6.0	5.4	
Others	16.3	14.4	12.7	
Year-to-Date Sess:	2483	2922	3225	

Elements Administ.

<u>VEC</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	
ARRL	44.6%	51.3%	46.1%	
W5YI	15.6	25.4	30.0	
CAVEC	9.8	7.0	7.2	
DeVry	11.4	3.8	4.2	
Others	18.6	12.5	12.5	
Year-to-Date Elem.	43563	55736	62892	

Applicants Tested

<u>VEC</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	
ARRL	44.0%	51.4%	45.2%	
W5YI	16.6	25.5	30.6	
CAVEC	9.4	6.6	6.7	
DeVry	11.5	3.7	4.1	
Others	17.3	12.8	13.4	
Year-to-Date Tested	29915	34885	37553	

	<u>August</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Pass Rate - All		57.2%	60.3%	61.1%
Pass Rate - W5YI		50.1%	55.6%	53.1%
Applicants/Session		10.8	10.6	10.3
Appl./Session W5YI		9.3	8.4	7.8
Elements/Applicant		1.50	1.67	1.64
Sessions Per VEC		3.8	6.5	6.7

Administrative Errors by VE's/VEC's

	<u>August</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Defect. Applications		0.3%	0.5%	0.3%
Late Filed Sessions		1.0%	1.3%	0.7%
Defective Reports		2.1%	2.1%	1.7%

*Note:

The FCC Considers ARRL, W5YI and DeVry to be 13 VEC's each since VEC's are appointed on a regional basis. The 13 regions are: Call Sign districts 1 through 0 plus Alaska (11), Caribbean (12) and Pacific Insular areas (13).

Source: Pers.Rad.Branch/FCC; Washington, D.C.

AUGUST AMATEUR LICENSING STATISTICS

<u>AUGUST</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
---------------	-------------	-------------	-------------	-------------

New				
Amateurs	1297	1377	918	1386

Upgrading:

Novices	1002	707	1160	1260
Technicians	382	216	303	389
Generals	333	229	263	304
Advanced	<u>235</u>	<u>176</u>	<u>227</u>	<u>250</u>
Total:	1952	1328	1953	2203

Renewals:

Novices	N/A	101	137	283
Total:	N/A	1964	2521	3220
Purged:(*)	N/A	1829	2020	1450

Census:

Indiv. Oper.	411580	421077	429678	436705
Change/Year		+9497	+8601	+7027

Indiv. Operators by Class:

<u>Extra</u>	<u>Advan.</u>	<u>General</u>	<u>Tech.</u>	<u>Novice</u>	<u>Total:</u>
August 1985:					
37793	97759	117189	82867	75972	411580
9.2%	23.8%	28.5%	20.1%	18.4%	100%

August 1986:

40455	98294	116944	86025	79359	421077
9.5%	23.5%	27.9%	20.3%	18.9%	100%

August 1987:

42914	98114	114737	90675	83238	429678
10.0%	22.8%	26.7%	21.1%	19.4%	100.0%

August 1988:

45909	98282	113068	98944	80502	436705
10.5%	22.5%	25.9%	22.7%	18.4%	100.0%

Club/

	<u>(1985)</u>	<u>(1986)</u>	<u>(1987)</u>	<u>(1988)</u>
RACES &				
Military	<u>2789</u>	<u>2671</u>	<u>2443</u>	<u>2319</u>
Total Active	414369	423748	432121	439024
% Increase		+2.27%	+1.98%	+1.60%

(*="Purged" licensees are those amateurs who failed to renew their licenses and whose 2 year grace period has expired. They have been removed from the Master File.

Source: FCC; Gettysburg, Pennsylvania

According to the FCC's Personal Radio Branch Chief, **Johnny Johnston/W3BE**, Technician is now the fastest growing (in percent) license class. The annual growth figures through July 1988:

Technician	+ 9.59%	
Amateur Extra	+ 7.19%	[Total:
Advanced	+ 0.52%	+ 1.96%]
General	- 1.06%	
Novice	- 3.06%	

• **Dr. Gerhard F. Schilling, AI6I**, (P.O. Box 2250, Hemet, CA 92343) advises that he now has the **new Extra Class examination pool** with sample examinations on a Commodore 64 disk. Cost: \$14.95 postpaid. His computer-aided study method has been widely acclaimed as the ideal compliment to the W5YI, West Radio, AMECO and ARRL manuals. (Tel: 714-925-3127) The new Extra Class questions take effect November 1st.

• We have seen numerous references to the new **reciprocal callsign identification rules** which require amateur stations operating in the United States to precede their foreign issued call sign with the letter W followed by the numeral designating the station location, i.e. W5/G6ABC. This is correct except for Canadian amateurs operating in the United States. The Canadian/U.S. reciprocal agreement specifically requires that the U.S. "W" prefix be given at the end of the Canadian call sign. We understand that this agreement is in the process of being re-negotiated.

• New Jersey attorney, **Robert B. Cherry/K2HBX**, is in the process of filing a class-action suit against the Federal Communications Commission. He says, in his opinion, the manner in which the FCC reallocated 220-222 MHz to narrow band business interests is blatantly illegal. Cherry has opened a bank account to start and accumulate a **220 Defense Fund**. (P. O. Box 476, Totowa, New Jersey 07512)

• Representing VEC interests, **Ray K. Adams/N5BAQ** of the *Western Carolina Amateur Radio Society* VEC has withdrawn his two petitions (RM-6094 and RM-6095) seeking changes in the manner in which Morse code tests are administered at VE/VEC examinations. The VECs had requested that Morse code testing rules revert back to the previous wording which provides that code tests "may" (but not necessarily "shall") contain all required characters. In addition, the VEC's wanted Morse code test to be of at least 5 minutes duration, but not necessarily exactly five minutes in length. The petitions were withdrawn since the FCC is now dealing with these matters as part of the new §Part 97 re-write of the Amateur Radio Service Rules. The new comment cut-off date for submitting your comments on the Reorganization and Deregulation of Part 97 of the Commission's Rules governing the Amateur Radio Services is now extended at the request of the ARRL to November 29 ...reply comments by January 31, 1989.

• The September 17th issue of *Stamp Collector* details how a ham radio operator in Greenland ("the world's largest island with only 50,000 inhabitants") became part of the country's stamp collecting history. A thick book of cards (QSLs to/from OX5JJ) has recently been published by *De Gronlandske Posthistorikere* (Greenland Postal Historians) in Copenhagen, Denmark. The cards are from the collection of **Jorgen Chr. Jorgensen/OX5JJ**, a Danish citizen working in Greenland from 1946-1948 at the Cape Cort Adelaer weather station, population 6. The station was operated by the U.S. during the war to provide correct weather information to planes operating between England and North America. The Germans apparently broadcast phony weather reports to prevent the flights. Jorgensen used his time off-duty to talk to other ham operators throughout the world. His outgoing QSL cards apparently were returned from the bureau and he couldn't mail them direct since Greenlandic stamps were not available. The Jorgensen QSLs are now very valuable collectors items! If you worked OX5JJ, The Greenland Postal Historians (*Rosaagade 7, 3.th, DK-2300 Kobenhavn S, Denmark*) would like to hear from you! You might even get to see your QSL card ...and the one that you never got in return!

• **Jim/K8JRK** says he will be operating from Tuvalu during the *CQ World Wide SSB* contest as T28RK from October 28-November 1. Jim will then be FO0SSJ (Bora-Bora) until late November, so QSLs will be delayed a month. Jim said to tell you that he wants full call signs "tailgated". QSL's go to his U.S. Call Book home address.

• The Federal Highway Administration is seriously considering a petition filed by a consortium of associations to **ban radar detectors in commercial vehicles** used in interstate commerce. The petitioners are very large and powerful insurance, trucking, safety and enforcement groups such as the International Association of Chiefs of Police, American Trucking Association, American Automobile Association, National Safety Council ...and others. The FHWA is not sure if they have the authority to ban a radio receiver that anyone can buy. Expect a *Notice of Proposed Rulemaking* and a comment period. A federal agency can not ban radar detectors in all types of vehicles since the Consitution reserves the regulation of vehicle use to the states.

• On August 31, U. S. Magistrate Roger McKee of San Deigo, California, sentenced James

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• More on **Hurricane Gilbert**: The FCC Miami field office designated 14.325 MHz and 14.275 MHz (plus/minus 5 kHz) as emergency frequencies for hurricane message traffic on behalf of the *National Hurricane Center*. All amateur transmissions on these frequencies had to pertain directly to relief work and emergency service. The phone portion of the *CRRL Canadian Can-AM Contest* scheduled for September 17-18 was cancelled.

• The September 18th *Miami Herald* carried a feature story about a ham operator (Don Porter) in Jamaica at the Wyndmore Hotel **operating on emergency power** from his bathroom since the room's exterior wall had been blown away! "My room looks like a bomb has gone off in it," he radioed. "We had 10 inches of rain. It is beating hard, sideways, ...like sandblasting. ...There's millions of dollars of damage just to the grounds here..." Porter was (according to Herald writer and ham, **Bob Sherin/W3ASX**, "broadcasting to a public hungry for news." The detailed eyewitness account was carried over South Florida radio. After checking with the FCC in Miami, however, Sherin was told news gathering by amateur stations for public broadcast was illegal. Sherin shut down his station. "An inquiring public is supposed to wait until standard communications are restored. ...This regulation needs to be changed," he wrote in the editorial. "The full potential of amateur radio should be unleashed. Remove this FCC restriction."

• A **\$112,000 privacy lawsuit** against an Indiana bulletin board system (BBS) operator has been dismissed by U. S. District Court Judge Tinder for the Southern District of Indiana. A BBS system is a computer-to-computer electronic mail system frequently operated by hobbyists. The suit had been filed by a Linda Thompson who alleged that the BBS operator did not properly safeguard her private electronic mail. A decision in the suit would have been precedent setting since it would have been the first applying the federal *Electronic Communications Privacy Act of 1986* (EPCA) to a BBS. The suit was dropped when the BBS operator filed for bankruptcy which protected the defendant against a damage judgement. Still unanswered is the responsibility BBS operators have to privacy protect electronic communications on their systems.

• **Ham Radio Magazine** has sent out notifications to *CTM Magazine* subscribers advising them that special arrangements have now been made for them to receive *Ham Radio* for a specified period of

time in lieu of undelivered issues of the now defunct *CTM Magazine*. **Chet Lambert/W4WDR** ceased *CTM* publication effective with the June issue "due to unauthorized copying of the magazine."

• A major effort by **Eric L. Scace/K3NA** is being made to get the *DX Advisory Committee* and the *ARRL Awards Committee* to approve the creation of a **new DXCC country: Rotuma**, located in the western Pacific Ocean. Rotuma is part of a territory administered by Fiji. A DXpedition to Rotuma will take place between October 22 and November 5 ...probably using the callsign 3D2XX.

ROCKY MOUNTAIN HASSLE Boulder Amateurs Face Hostile Campaign

One of the more disturbing stories to come to our attention is happening in high-tech Boulder County, Colorado. A broadcast RFI situation appears to have started a series of challenges to Amateur Radio that are still hounding amateurs there. After studying news accounts and speaking with involved hams we have put together the following picture. It could happen anywhere.

Boulder -- home of the "*Boulder K index*" of propagation forecasting -- is the site of many government and commercial radio laboratories, antenna test sites and satellite manufacturing facilities. It is also subject to powerful winds, severe winter storms and, most recently, forest fires. Boulder hams are kept busy in emergency support. A 1983 comprehensive county emergency communications plan specifically recognized Amateur Radio's public service role and declined to regulate or restrict amateur operations.

In an unexpected about-face, county authorities are now placing severe antenna restrictions on amateurs -- supported by a group of irate residents and a decision by a federal judge that allegedly bucks the FCC's PRB-1 ruling preempting local regulation of ham radio.

The problems began several years ago when two FM broadcast stations began operations from Lee Hill, a popular antenna site in the county. Lee Hill already had numerous commercial installations and amateur repeaters. The broadcasters brought with them intermodulation problems to the existing facilities. Neighboring residents complained of TVI to the county, which sought unsuccessfully to curb the broadcast operations -- which had county

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and FCC-issued construction permits -- even going so far as to sue the site manager.

This TVI affair appears to have sensitized local authorities to antennas in general. One amateur described it to us as a "tremendous uproar ... a seed that was planted. It ranged from some legitimate RFI complaints, to fears that people were going to be cooked like a microwave oven" by the transmitter on Lee Hill.

When **David Evans, NQ0I**, and **Tim Holzheimer, N6DIY**, inquired last year into whether approvals were necessary to install 125-foot towers, they were told that they could not erect anything taller than 35 feet -- the standard maximum height for "structures" -- even if the county communications plan contained a different, hands-off policy when it came to amateur antennas. County staff were unable to establish when regulation of antennas began. Interestingly, the **Boulder Antenna Legal Defense Fund** has copies of county letters to hams over the past few years indicating that no permit is required for amateur towers, according to **Barbara McClune, N0BWS**, fund chairman.

The two amateurs appealed the decision to a board of adjustment held April 27, 1988, county staff members, in alleged violation of the country's own procedures, mailed notices of the appeal to residents in the immediate vicinity of the hams.

"The neighbors hit the ceiling," ARRL Assistant Technical Coordinator **Kim Elmore, N5OP**, told us. "They made copies of the notice and added additional material, including a high tower with guy wires running into the front yard of a little house labeled 'Our Homes'. It says, 'Attention Boulder County Residents: This size tower could be built next to you! Ham radio operators want the right to violate all county height regulations.' The residents' group distributed copies of the modified notice at local shopping malls and door-to-door to most of the residents in the county.

We understand that this notice was only the first of several, and that subsequent notices were more vehement, referring to amateurs as "Tower-ites". Here are excerpts from the modified notice:

"PUBLIC NOTICE: Protect Yourself

1. Would you like to live next door to a 70-foot radio tower in Boulder's high wind? Will your

insurance cover any personal injuries or property damage?

2. A highly organized special interest group is using Boulder County as a legal test case for unlimited heights for towers on residential home lots.

3. Is the Federal Communications Commission trying to dictate zoning regulations in Boulder County?

4. Hams say radio towers don't decrease property values. Would you buy a home next to a 70-foot tower?

5. Hams have no responsibility to clean up radio interference regarding TV, stereo, garage door openers, security systems, ...portable telephones.

6. Nobody knows the effect of ham radio radiation on health.

7. If you cherish your view and your property and safety, send this ballot today!"

The notice, which contained the official county logo, told the reader to mail the "ballot" to the planning commission and to come back to the board of adjustment appeal -- which was not a public hearing. "Lack of response means you have no objections," the notice said.

A lawsuit against the county, the commissioners, the zoning administrator and the board of adjustment (which included an ARRL amicus brief) resulted in what was termed by local hams as a "devastating negative decision" by federal court judge Zia Weinshienk on July 29. Finding in favor of the county in its original denial of permission to NQ0I and N6DIY for greater than 35 feet, she ruled that *the FCC's PRB-1 did not apply to individual amateur operators, but only to the Amateur Service in general*.

The county, in her view, was not precluding amateur radio but merely denying 125 feet to particular hams. She ruled that the ordinance was reasonable because it contained provisions for obtaining a variance -- and that another ham, Ron Stockton, N0RR, had received just such a variance for his station at a 37-acre residence in a forested rural area.

In fact, N0RR's variance permitting him to add two towers to an existing array of five -- which he had obtained after complying with the extensive review procedures -- was revoked only days later when a neighbor filed a complaint. Not only could N0RR not add to his five towers, but the existing

array was declared illegal by Boulder District Court judge Roxanne Balin. In a summary decision (not hearing arguments), Balin made a finding of law that the county had acted improperly in granting a permit.

Judge Weinshienk ordered Evans and Holzheimer to go through the variance process. Variance hearings were held in January and February, but the County denied the variances anyway.

On January 29, 1988, the county announced proposed new zoning regulations, one of which would limit amateur stations to 100 watts ERP or face a county review costing \$2,500. In April, after hearings, the commission decided to recommend to county commissioners an ordinance without ERP limits or a \$2,500 review, and doubling the allowed height to 70 feet residential/100 feet agricultural.

A county commissioners meeting to consider the recommendation was held June 28. The residents who had distributed the "public notice" came to the meeting, bringing their attorney. After extensive discussion on the proposed antenna regulation, the hearing was closed to public comment ...but then an additional attorney for the residents group arrived. Barbara McClune described what followed: "In violation of their own rules, the commissioners permitted him to speak for those residents. That's when he submitted the residents' own version of the ordinance, and the commissioners adopted it. We never had a chance to comment on it ...or even see it."

That ordinance specifies that proposed amateur antennas and/or towers:

1. ...that exceed 35 feet residential, 50 feet agricultural;
2. ...are closer to a boundary than a set-back equal to the height and width of the installation [this applies to wire dipoles too, so 3 X width of the antenna plus height are needed];
3. ...which exceed the limit of one per lot;
4. ...exceed 10 feet above the roof line;
5. ...which involve "substantial" changes;

must be submitted to a special review process developed for certification of open mining. The review requires engineering studies and expert reports at costs that can run into hundreds of dollars. Once a permit has been issued, any "substantial" changes to the antenna or its support require a new review and permit. The county defined "substan-

tial" as "probably height and/or bulk". County officials repeatedly refused to differentiate between towers and antennas. NQOI did inquire about applying for a special review permit under the new ordinance for his proposed 125 foot tower -- and was told to submit twenty-one items of application, statements and engineering analyses, in addition to other requirements never mentioned by the county during the hearings.

Meanwhile, on August 8, the Weinshienk decision was appealed in the *10th Circuit Court of Appeals* in Denver. No hearing dates have been set.

Other neighboring counties are now studying and/or adopting more stringent antenna ordinances. The Denver FCC field office reportedly became "undated" by RFI complaints against hams throughout the Denver-Boulder area. This occurred after a Denver TV station did a "consumer investigation" into an amateur RFI case and recommended that neighbors complain to the FCC ...and even take amateurs to court to get them off the air.

[We have heard that the station retracted its position slightly when it reported on amateur volunteers during fires earlier this month. Thirty hams worked for four days providing emergency voice and packet communications during forest fires in Boulder County. This activity received much television coverage.]

The **Boulder Antenna Legal Defense Fund** was set up to help reimburse documented costs incurred by amateurs litigating antenna and related cases at the state and federal level in Colorado and elsewhere. More than \$5,000 has already been paid out in assistance for the cases and in mailings and professional engineering and real estate showings required.

Pursuing the court actions will cost thousands of dollars more. "Financial support is urgently needed. On top of the cases we have now, we know there are going to be more, and it's of national importance to win these antenna battles," NOBWS said. Donations and inquiries can be directed to:

Boulder Antenna Legal Defense Fund
Barbara H. McClune, NOBWS, Chairman
5338 Spotted Horse Trail
Boulder, Colorado 80301
Tel. [303] 530-1872.